

FILED

DEC 27 2016

Clerk, U.S. District Court
District Of Montana
Helena

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

IN RE MONTANA
WILDERNESS ASSOCIATION

No. CV-09-95-GF-SEH

JUDGMENT

This document relates to:
CV-09-95-GF-SEH
CV-09-96-GF-SEH

On January 9, 2014, this Court issued an order entering The Parties' Stipulation Regarding Remedy. *See* Doc. No. 218 ("Order"), 218-1 ("Stipulation"). The Bureau of Land Management ("BLM") has completed Class III surveys of open roads, ways, and airstrips on the Upper Missouri River Breaks National Monument pursuant to ¶ 2 of the Stipulation. BLM has not yet fully determined the eligibility of certain properties, listed in ECF Nos. 223-1 and 223-3 as having an "NRHP Eligibility" status of "Undetermined," for inclusion in the National Register of Historic Places. Nonetheless,

the recorded properties listed in ECF Nos. 223-1 and 223-3 as having an “NRHP Eligibility” status of “Undetermined” will be treated as eligible for the National Register unless and until such time as they are determined ineligible by BLM, provided that BLM consults with the State Historic Preservation Officer pursuant to the Montana State Protocol Agreement (2015).

ORDERED

The Clerk shall enter judgment in the above-captioned case as follows:

Judgment is hereby entered for Plaintiff Montana Wilderness Association on Count III of their Complaint (Case No. 09-95, Doc. No. 1, ¶¶ 102–07) and for Plaintiffs The Wilderness Society, Friends of the Missouri Breaks Monument, National Trust for Historic Preservation, and Oil and Gas Accountability Project on their Fifth Claim for Relief insofar as it relates to BLM’s failure to conduct an inventory of historic properties under the National Historic Preservation Act (“NHPA”). *See* Case No. 09-96, Doc No. 1, ¶¶ 224–27, 229–32, 234–35.¹

Judgment is hereby entered for Federal Defendants Jamie Connell, in her official capacity as Director of BLM’s Montana State Office, Neil Kornze, in his official

¹ Plaintiffs’ The Wilderness Society *et al.*’s Fifth Claim also included a claim that BLM failed to consult with the State Historic Preservation Office under the NHPA. *See id.* at ¶ 228, 233, 236. The Ninth Circuit found Plaintiffs’ consultation claim to be without merit. *See Montana Wilderness Ass’n v. Connell*, 725 F.3d 988, 1010 (9th Cir. 2013).

capacity as Director of BLM, the BLM, the U.S. Department of the Interior, Josh Chase, in his official capacity as Acting Manager of the Upper Missouri River Breaks National Monument; and for Defendant-Intervenors Missouri River Stewards, Fergus County, Phillips County, Chouteau County, Blaine County, the Recreational Aviation Foundation, and Montana Pilots Association on all other claims.²

Each party shall bear its own costs.

DATED this 27th day of December, 2016


SAM E. HADDON
United States District Judge

² Pursuant to Federal Rule of Civil Procedure 25(d), Neil Kornze and Josh Chase are substituted for Mike Pool and Zane Fulbright, respectively.